



## Historical Architectural Review Board JANUARY 15, 2015

<b>Proposal:</b>	<b><u>NILES MIXED-USE DEVELOPMENT – 37899 Niles Boulevard – PLN2014-00338</u></b> - To consider Historical Architectural Review associated with applications for a General Plan Amendment to change the land use designation of a 6.07-acre site from Service Industrial (Special Study Area) to Town Center Commercial and Medium Density Residential, a Rezoning from Light Industrial with Historical Overlay District (IL)(HOD) to Preliminary and Precise Planned District P-2014-338(HOD), Vesting Tentative Tract Map No. 8205, a Private Street, a General Street Vacation (to convert a portion of the Niles Boulevard right-of-way fronting the site into a linear park), and a Preliminary Grading Plan to facilitate development of 98 attached residential units and 3,620 square feet of retail and community space in the Niles Community Plan Area, and to consider a Mitigated Negative Declaration that has been prepared and circulated pursuant to the requirements of the California Environmental Quality Act (CEQA).
<b>Recommendation:</b>	Recommend approval, based upon findings and subject to conditions.
<b>Location:</b>	37899 Niles Boulevard in the Niles Community Plan Area APN 507-0170-001-08 (See aerial photo next page)
<b>Area:</b>	6.07 acres
<b>People:</b>	Doug Rich, Valley Oak Partners, Applicant Valley Oak Partners, Property Owner Chek Tang, Studio T-SQ, Inc., Architect and Urban Design Professional Clifford Nguyen, Staff Planner (510) 284-4017; <a href="mailto:cnguyen@fremont.gov">cnguyen@fremont.gov</a>
<b>General Plan:</b>	Service Industrial (Special Study Area)
<b>Zoning:</b>	Light Industrial with Historical Overlay District (IL)(HOD)

### **EXECUTIVE SUMMARY:**

The applicant, Valley Oak Partners, Inc., is requesting Historical Architectural Review for a proposed mixed-use development in the Niles Historical Overlay District (HOD) that would include 98 attached residential units (townhomes) and 3,620 square feet of non-residential uses on approximately 6.07 acres. The proposal would redevelop a vacant, remnant industrial property in Niles. The property was formerly owned by the Henkel Corporation (1952-2002) and the Schuckl Cannery (1918-1952) and is located on the west side of Niles Boulevard at its southern gateway near the railroad underpass from Mission Boulevard and Niles Canyon Road. In December 2008, at the request of the previous property owners, HARB certified an Environmental Impact Report (EIR) and approved demolition of all buildings on the property to prepare it for environmental remediation and its eventual redevelopment. All structures associated with the previous industrial uses were demolished in 2009 and remnants of the building foundations are all that remain. Environmental remediation of soil contaminants at the property is currently in progress and would be completed prior to reuse of the property. A recommendation by the Historical Architectural Review Board (HARB) is required to specifically determine if the project is compatible with the Niles HOD. The project in its entirety would be subject to a recommendation by Planning Commission and final review and approval by the City Council. Staff recommends that the HARB find the proposed project consistent with the Niles HOD and recommend approval to the Planning Commission and City Council.

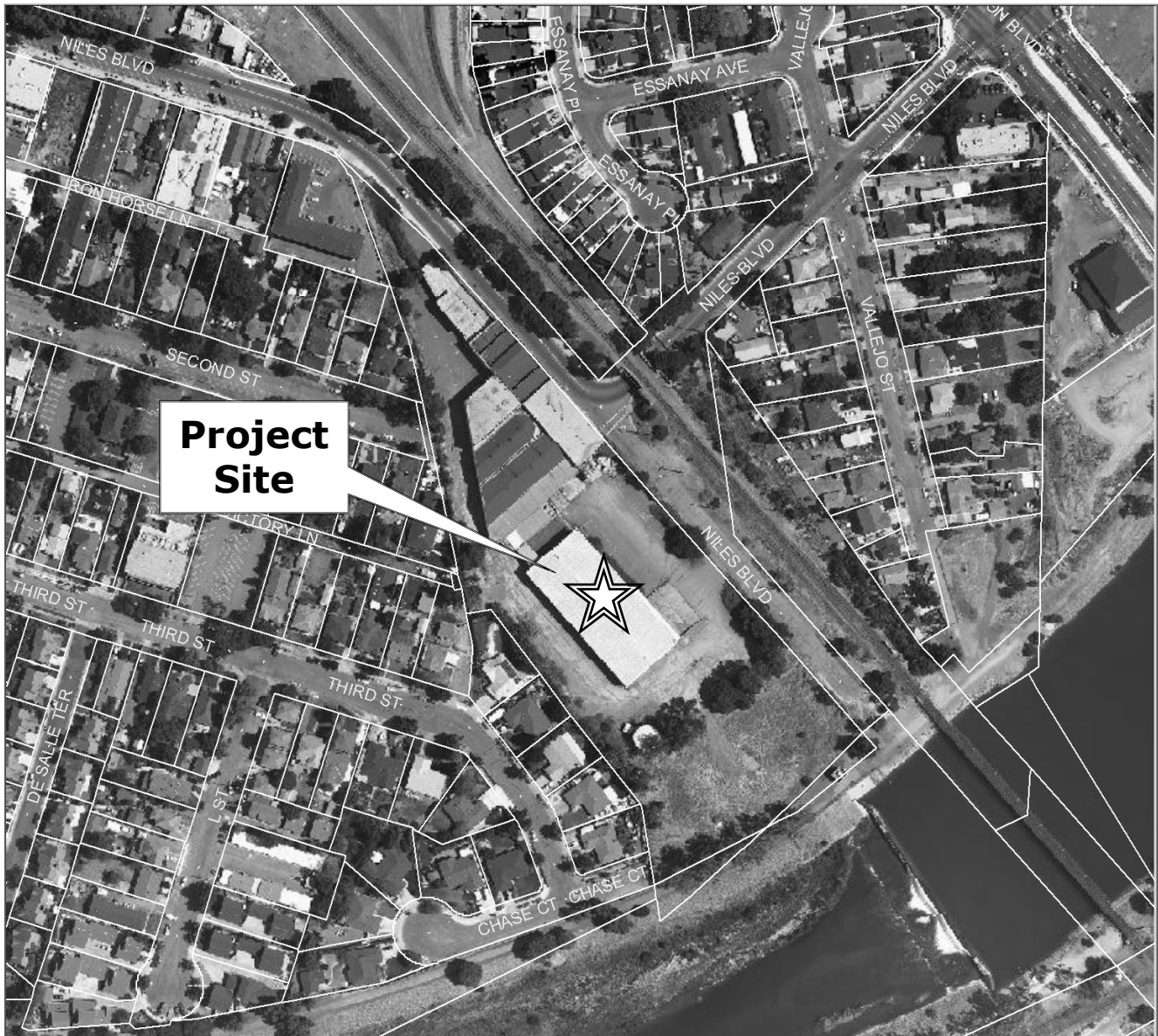


Figure 1: Aerial Photo (2009) of Project Site and Surrounding Area (Prior to building demolition)



## **BACKGROUND AND PREVIOUS ACTIONS:**

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In 1918, Schuckl & Company purchased the subject property from A.T. Ames Manufacturing Company (a former manufacturer/foundry). By 1920, Schuckl had replaced all buildings on the site to operate a cannery. The Schuckl Cannery included a cannery building (fronting Niles Boulevard) and three attached warehouse buildings (located to the rear/west side of the cannery), plus associated cannery equipment such as brick stacks, a boiler house, and train rails. In 1944, the San Francisco architectural firm of Wurster, Bernardi, and Emmons designed an office building for the cannery, which was located at the northern end of the property. The office building was constructed in 1945.

In 1952, Schuckl sold the property to American Chemical Paint Company, later known as Amchem Products, Inc. In 1980, Henkel Corporation (Henkel) acquired the property. Henkel operated the site for various chemical and metal treatment product manufacturing until 2002. The site buildings were in need of costly upgrades to conform to seismic retrofit standards. After researching what would be required to seismically upgrade the buildings, Henkel decided to close the plant in 2002. Henkel coordinated environmental remediation of the property with the Regional Water Quality Control Board (RWQCB) after closing the plant.

In February 2006, Henkel requested demolition of all buildings to facilitate the effective removal of environmental contaminants found at the property. Due to the property's history and age of the buildings, an historic and architectural assessment was prepared to allow removal of all buildings at the site. The assessment concluded that the buildings appeared to be eligible for the State Register as "a rare surviving representative of the important fruit canning industry in the Washington Township and as one of the only surviving representatives of the industrial development of Niles—a fundamental aspect of the history of the town..." and "as the only surviving example of a building type important to the history of Washington Township—a cannery..." Because the cannery was potentially eligible for the State Register, demolition of the building resulted in a significant environmental impact to a cultural resource that required preparation of an Environmental Impact Report (EIR).

In March 2008, during preparation of the EIR, a fire severely damaged the office building of the cannery. The City's Building Official found that the remnants of the office building were structurally unstable and required its immediate removal. The building was removed shortly thereafter. A subsequent historical assessment prepared for the EIR concluded that while the loss of the office building significantly lessened the integrity of the Wurster and Bernardi design of the property as it appeared in 1948, the design of the cannery was still evident after the fire. The historian concluded that the remaining buildings were still Potential Register Resources.

In December 2008, HARB adopted a Statement of Overriding Considerations and certified the EIR to allow removal of all the remaining buildings on the property. In its deliberation, HARB found that removal and elimination of hazardous materials on the property adjacent to residential uses and a sensitive riparian and groundwater recharge source area (Niles Cone Aquifer) was a greater benefit than preservation of the onsite Potential Register Resources, and allowing the buildings removal helped complete effective environmental remediation on the property under the direction of the RWQCB. It was also determined that with the buildings removed, risks to remediation workers presented by the existence of unstable structures above contaminated soil were reduced. Accordingly, all structures associated with the previous industrial uses were demolished in 2009 and remnants of the building foundations are all that remain. Currently, debris piles containing soil, broken paving materials, and discarded items are located throughout the site.

The updated General Plan, adopted in 2011, identified this site as a "Special Study Area," which would be suitable and desirable in the future for housing or as a mixed use site, similar to what is currently proposed, for housing and commercial uses.

In May 2013, a “no further action” letter was issued by the RWQCB to the previous property owners signifying that residential development could be pursued onsite with conditions.

In October 2013, the site was sold to the current applicant. Although the RWQCB issued a “no further action,” the applicant decided to voluntarily pursue additional remediation efforts under the auspices of the RWQCB with the intent of removing or amending several restrictions associated with the previous remediation efforts that would better accommodate development of residential reuse on the property. At the time of the writing of this report, the additional environmental remediation work is in progress and is anticipated to be completed prior to redevelopment of the property.

**Community Outreach/Evolution of Plan Development:** Over the course of several months, the applicant conducted outreach and held community meetings to share its development plans with the community. According to the applicant, several revisions to the original design were made to address comments received from the community. The following refinements were noted by the applicant as a result of this community engagement process:

- increased size of landscape buffer adjacent to single-family homes;
- revised new road location to rear of site (allowing additional buffer from existing homes);
- increased guest parking;
- eliminated a proposed water tower within the central open space (gateway green);
- reduced building ends to two stories to provide increased compatibility and interest; and
- added flex space for ground-floor units within townhome buildings for home occupation use.

#### **PROCEDURE FOR TONIGHT’S HEARING**

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At tonight’s hearing, HARB is charged with completing the following primary tasks:

1. Review and consider the Draft Mitigated Negative Declaration and Mitigation Monitoring Program prepared and circulated for this project in accordance with the requirements of the California Environmental Quality Act (CEQA);
2. Review and determine whether the proposed development would be consistent with the design guidelines and character of the Niles HOD in terms of siting, massing, scale, size, materials, textures and colors, and make a recommendation regarding the project’s consistency with the Niles HOD to the Planning Commission and City Council.

#### **PROJECT DESCRIPTION:**

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**Mixed-Use Development:** The proposed project would include 85 townhomes situated toward the southern end of the property and a separate commercial center highlighted by a separate proposed “CRAFT” building (Creative Retail & Artist Flex Tenancy) located at the northeastern portion of the site along Niles Blvd. The residential townhomes would consist of two- and three-story units ranging from approximately 1,600 to 2,100 square feet, each with a two-car side-by-side garage underneath the units. The CRAFT Building would include seven “live work” flex space units with approximately 1,150 to 1,250 square feet per unit of living space and an additional 570 to 720 square feet of commercial flex/work space per unit; two smaller one-bedroom units from approximately 700 to 775 square feet per unit; four townhomes of approximately 2,055 square feet per unit; a restaurant/retail space of approximately 2,400 square feet; and a community center of approximately 1,220 square feet.

**Circulation:** Primary vehicular access would be taken from a proposed new public roadway connection to Niles Boulevard and secondary vehicular access would be taken from Chase Court. The new public roadway would be located along the western property edge and would provide inherent traffic calming measures including parallel parking, 5-foot sidewalk along the east side of the street, and landscaping and “bulb-outs.” The location of the new public roadway would also provide a natural buffer ranging from approximately 54’ to 60’ from the new buildings to the existing property lines of the adjacent residential neighborhood to the west. In addition, a private alleyway network would be provided to provide access to garages from the new public street, and on-street guest parking would be provided largely within the interior and along the new public street.

**Open Space:** Ample open space would be incorporated into the project. Continuing beyond The CRAFT building, the proposed pedestrian network would tie into a proposed “gateway green.” The gateway green would be framed with the CRAFT building to the north and attached townhomes to the south, and would anchor a network of pedestrian walkways that link to the linear park along Niles Boulevard. All attached townhomes would have sufficiently-sized balconies and decks to accentuate the green spaces and activate the areas facilitating community and social interaction.

The dead-end portion of Niles Boulevard that extends south from Niles Canyon Road would be converted to a 0.72-acre linear park that would be purchased from the City by the applicant. The applicant would develop and maintain the linear park that would be owned by the future homeowner’s association but a public access and use easement of the park would provide the public a bicycle/pedestrian connection to the Alameda Creek Trail.

**Required Approvals:** In addition to Historical Architectural Review by HARB to determine the project’s consistency with the Niles HOD, the project requires consideration and approval by the Planning Commission and the City Council of a General Plan Amendment (to re-designate the site to “Town Center Commercial” and “Medium Density Residential”), a Rezoning (to “Preliminary and Precise Planned Development”), Vesting Tentative Tract Map, Private Street, Preliminary Grading Plan, and General Street Vacation (to allow the applicant to purchase a portion of the Niles Boulevard right-of-way for conversion to a linear park).

## **PROJECT ANALYSIS:**

### **General Plan Conformance:**

Earlier in its history, Niles was home to several small manufacturers and agricultural businesses. Most of these establishments closed in the late 1900s, leaving vacant or underutilized sites behind. During the General Plan, the community envisioned that these former industrial sites would be converted to residential and/or commercial uses in the coming decades. Their redevelopment would enhance Niles’ character and visual image, eliminate gaps in the town’s development pattern, improve gateways, and complement the Town’s heritage and architecture.

One such site is the property in question. The existing General Plan land use designation for the project site is Service Industrial (Special Study Area). The Special Study Area designation is specific to the property because a land use change and redevelopment was anticipated. The designation is described in the General Plan as:

### **Special Study Area: Henkel Property**

*Niles contains one Special Study Area—the Henkel property, located at 37899 Niles Boulevard. This former industrial site represents an excellent opportunity for a gateway project into Niles, including new amenities and access to Alameda Creek. The site is vacant and requires environmental remediation due to former industrial activities. The City supports the site’s eventual development with housing, or with a*

*mixed use project that combines commercial, residential, artist studios, or live-work units.*

*This site is designated Service Industrial on the General Plan Map but may be considered for a future General Plan Amendment to a more intense use with appropriate environmental review.*

Staff finds that the proposed project implements the Special Study area designation of the property and also would meet the following policies and implementation measures outlined in the Niles Community Plan, and in the Land Use, Housing, and Mobility Elements of the General Plan.

**NILES COMMUNITY PLAN POLICY 11-8.12: Conversion of Remnant Industrial Parcels** – *Encourage collaborative efforts by the City and private property owners to redevelop remnant industrial parcels in the Niles area. When appropriate the City should take the lead role to facilitate the reuse of these sites. Community input should be solicited throughout this process.*

**Implementation 11-8.12.A: Henkel Property (37899 Niles Boulevard)** – *Support reuse of the Henkel property with a mix of commercial, residential and / or live-work uses, depending on market conditions and appropriate environmental remediation measures. Access to Alameda Creek should be provided from future development.*

Analysis: The applicant is currently in the process of completing additional voluntary environmental remediation under the auspices of the RWQCB to allow reuse of the property with a mixed-use development with fewer restrictions. To that end, a General Plan Amendment is proposed to change the property land use designation from Service Industrial (Special Study Area) to Town Center Commercial and Medium Density Residential to facilitate the mixed-use development consistent with the policy. The proposed mixed-use project would meet the General Plan Special Study Area designation in that it would provide a mix of commercial, residential, artist studios, and live-work units.

**NILES COMMUNITY PLAN POLICY 11-8.1: Enhancing the Character of Niles Town Center** – *Enhance the character of Niles Town Center by preserving and restoring historic buildings, attracting new infill development that is compatible in scale and design with existing development, continuing streetscape and signage improvements, enhancing gateways, and maintaining a comfortable environment for pedestrians.*

**NILES COMMUNITY PLAN POLICY 11-8.2: Opportunity Sites in Niles** – *Direct development in Niles to key opportunity sites, as identified in this Community Plan. Development on these sites should increase retail activity, provide a mix of housing types, eliminate gaps in the development pattern, and complement historic architectural styles.*

**NILES COMMUNITY PLAN POLICY 11-8.7: Pedestrian-Oriented Town Center** – *Maintain a pedestrian-oriented environment along Niles Boulevard and the lettered cross streets extending to Second Street. Consistent with the Community Character Element, new buildings on Niles Boulevard should be constructed to the front setback, with parking located to the rear. In the heart of the business district, the goal should be continuous ground floor storefronts along the boulevard, complemented by an attractive, pedestrian-friendly streetscape.*

***NILES COMMUNITY PLAN POLICY 11-8.3: Niles Retail Mix*** – Expand the mix of retail uses in Niles, leveraging the District’s historic character to retain existing businesses and encourage new retail uses for residents, visitors, and the local workforce.

Analysis: The proposed project would eliminate an abandoned and blighted key gateway property in Niles and with its completion would enhance the historic character of Niles’ town center, create a sense of arrival to the Niles district and the Alameda Creek Trail, and would reinforce the vitality and eclectic nature of the Niles community. The project would also provide increased retail opportunities, a mix of housing types, and streetscape improvements with active ground-level storefronts that would be compatible with the historic character of Niles Boulevard and the Niles HOD guidelines.

***NILES COMMUNITY PLAN POLICY 11-8.15: Alameda Creek*** - Improve trail connections between the Niles Town Center, Alameda Creek, and the regional park system. The Alameda Creek Trail itself should be improved with landscaping, seating areas, scenic overlooks and directional signage.

Analysis: The applicant is proposing a street general vacation to convert a portion of Niles Boulevard into a linear park. In place of the current dead-end stretch of Niles Blvd would be an attractive landscaped linear park, pedestrian and bicycle path connecting the Niles’ town center to the regional Alameda Creek Trail. If the proposed project and the street general vacation are approved by the City Council, the vacated street would be purchased from the City by the applicant for conversion to a linear park that would be owned and maintained by the future homeowner’s association. A public access and use easement would be created over the area of the linear park. This new linear park would be a formal entry to this regional recreation amenity. Some of the new attached townhomes would overlook the linear park, providing both a visual and safety enhancement to the area.

***LAND USE POLICY 2-1.11: Infill Emphasis*** – Focus new development on underutilized or “skipped over” sites that are already served by infrastructure and public streets. Strongly discourage, and where appropriate prohibit, the conversion of open space or underdeveloped land on the fringes of Fremont to urban uses.

***LAND USE POLICY 2-3.4: Infill Development*** – Support infill development on vacant and underutilized land in Fremont’s neighborhoods, particularly where there are vacant lots or parcels that create “gaps” in the urban fabric and disrupt the continuity of a neighborhood. Such development should respect the scale and form of surrounding properties.

Analysis: The project site is located within an infill area of the City identified as a Special Study Area. The project would be consistent with the General Plan that emphasizes infill development by redeveloping an underutilized site with new residential development. It would also provide efficient and orderly use of land by utilizing a site that is already served by all major utilities and a public street that connects it directly to nearby commercial uses, schools, freeways, and transit services. In addition, the proposed design would be compatible with the character of the surrounding neighborhood with a plan featuring proper siting and orientation of residential and non-residential uses toward the public street (i.e., closer to Niles Boulevard) and planned private street network, while respecting the character and scale of adjoining properties.

***HOUSING GOAL 2: Ensure Availability of High Quality, Well-Designed, and Environmentally Sustainable New Housing of All Types and Income Levels Throughout the City.***

**HOUSING GOAL 3:** *Facilitate the Development of Affordable and Market-Rate Housing in Order to Meet the City's Regional Housing Needs Allocation (RHNA).*

**HOUSING POLICY 3.03:** *Facilitate the development of a diverse housing stock that provides a range of housing types and affordability levels throughout the community.*

Analysis: This site is identified in the adopted 2015-2023 General Plan Housing Element as a site that would produce at least 75 new housing units to help meet the City's assigned RHNA. The project would provide a total of 98 units. In addition, as of the writing of this report, the applicant is considering providing a number of on-site affordable housing units in accordance with, and to partially satisfy, the City's Affordable Housing Ordinance.

**MOBILITY POLICY 3-2.3 Pedestrian Networks** - *Integrate continuous pedestrian walkways in Fremont's City Center, Town Centers, residential neighborhoods, shopping centers, and school campuses. Place a priority on improving areas that are not connected by the City's pedestrian network, with the objective of making walking safer, more enjoyable, and more convenient.*

Analysis: Existing public pedestrian facilities are substandard and in poor condition along the project's Niles Boulevard frontage. With development of the project, the public would benefit from the construction of a new 12-foot wide sidewalk and landscaping with new street trees in grates along Niles Boulevard, improving the pedestrian experience along the project frontage. In addition, the new public sidewalk along Niles Boulevard would connect to a network of pedestrian paseos, including a wide walkway within the proposed linear park that would all lead to the Alameda Creek Trail. These improvements would implement this policy by creating a continuous and safe walking environment for pedestrians in conformance with the goals and policies of the Mobility Element of the General Plan.

**Zoning Compliance:** As part of the proposed project, the property would be rezoned to a Preliminary and Precise Planned District. Because of the unique historic setting and location of the site in the Niles HOD, a Planned District rezoning would be most appropriate to ensure high-quality design and conformity with the character of the Niles Community. The Planned District (PD) would allow a site-specific design that addresses the unique character and setting of this prominent gateway location within the Niles HOD. Per FMC Section 18.110.020, the standards governing development within a proposed PD shall be based upon the standards of the zoning district most similar in nature and function to the proposed plans put forth by the applicant. In this case, the applied standards are most similar to Community Commercial (C-C) and Multifamily Residential (R-3) zoning districts. The following is a summary of applicable zoning standards for the proposed Planned District and consistency with appropriate zoning regulations.

**Building Height:** The proposed project would comply with the maximum height limitations and number of stories permitted for mixed residential and commercial uses adjacent to single family residential uses. The maximum height permitted is 52 feet when buildings are situated 50 feet or more from property with single family uses. The proposed setback of all buildings is at least 50 feet from the closest single-family residential property, and all buildings are a maximum of 35 feet in height (as measured from roof-ridge) and three stories.

**Floor Area Ratio (FAR)/Coverage:** The proposed FAR of 0.82 for the mixed-use CRAFT building would comply with the maximum allowable FAR of 1.25; and lot coverage is not applicable. FAR and lot coverage are not applicable to the townhouse style development of the residential component of the project.



**Setbacks/Building Separation:** All buildings would meet the minimum separation, setback and requirements specified by the FMC. For the CRAFT building located adjacent to Niles Boulevard, a designated as a "Main Street" in the General Plan, no front yard setback is required to foster a pedestrian environment. The proposed multifamily buildings would also comply with the minimum building setback of 20 feet from single-family uses where at least 50 feet of setback is provided. Building separation at double-loaded paseos and pedestrian circulation areas would meet the setback requirements for two- and three-story buildings, 15 and 20 feet respectively.

**Parking:** A total of 194 parking spaces would be provided for residential units with two covered garage parking spaces per two or more bedroom units (where 1.5 is required for each unit) and one covered parking space per unit for the one-bedroom units (where 1 is required for each unit). A total of 85 guest parking spaces are proposed to be provided for guests of the residential and non-residential uses (27 spaces along Niles Boulevard, 54 spaces on Street A, and four spaces on Street C).

**Design Analysis:** In accordance with the Historical Overlay District Ordinance, specifically Fremont Municipal Code (FMC) Section 18.135.050, Historical Architectural Review Board (HARB) review is required for new development, adoption of a Planned District, and also streetscape improvements within a Historical Overlay District (HOD). Projects are to be reviewed for compatibility with the character and existing resources in the District.

The proposed project is located on the edge of the Niles HOD, outside of the "Niles Commercial Core Area" as identified in the *Niles Design Guidelines and Regulations (2002)*. The Guidelines and Regulations apply specifically to commercial properties within the Core Area, however, general guidance is provided for maintaining compatibility with the unique characteristics of the area. Notwithstanding applicability, staff has analyzed the project's conformity to the guidelines in a broader contextual sense with regard to site and architectural design, scale/size, materials, textures, and colors. It should be noted that there are no remaining buildings, structures or objects of any kind on the property qualifying as Potential Register Resources requiring review for Consistency with the Secretary of Interior Standards.

**Context and Vision:** The immediate character of project site is a nondescript multifamily L-shaped apartment building to the north on Niles Boulevard, and single-family residences to the west and south (at the rear) on 2<sup>nd</sup> Street and 3<sup>rd</sup> Street. There is a mixture of Craftsman and Ranch style homes on 2<sup>nd</sup> Street adjacent to the project; and a majority of Ranch style homes on 3<sup>rd</sup> Street. Some of these homes appear to have been altered from their original condition.

The Niles Design Guidelines emphasize several characteristics to maintain compatibility with the existing character of the District including creating a strong sense of place and encouraging diversity in architectural styling. The Guidelines note that a variety of building designs is essential to the character of Niles, which is apparent in the diversity of existing building architecture surrounding the project site.

The Guidelines provide an overall vision that new buildings and landscapes reinforce the gateways and the strong sense of place found in Niles, retain strong connections to the hills and creek, encourage restaurants, outdoor dining, a central town square, and promote public spaces and parking areas that are safe, clean and easily accessible.

The proposed project retains and emphasizes these characteristics through thoughtful site and building architectural design. The following sections highlight staff's analysis for support of the overall design concept and compatibility with the Niles HOD.

**Site Design and Neighborhood Compatibility:** The proposed project would be consistent with the Niles HOD in terms of building setbacks, active outdoor areas, parking facilities and areas for

service, loading and mechanical equipment. The site plan is designed to weave into the context of the existing setting, which would extend the Niles commercial center to its southern gateway. The proposed design would provide special public indoor and outdoor spaces for creative engagement and activities along Niles Boulevard, including the use of roll-up garage doors along the mainstreet at the CRAFT building. The design would provide active ground floor space and engage pedestrians and passerbys. The concept of pedestrian engagement would be further enhanced by the creation of two outdoor plazas adjacent to the community center and a restaurant/retail space that would provide a convenient gathering point for the community to come and enjoy the Niles town center or as a launching point to access the Alameda Creek Trail. The attached townhomes would be loosely grouped in four clusters – or districts – with green spaces in between by way of pedestrian landscaped paseo and open space to offset the massing. The new public roadway would be located along the western edge (or rear) of the site which would provide a buffer of at least 50 feet in width from adjacent single-family homes. On-street parking would also be located along this new public street for guests and the commercial uses, as well as diagonal spaces on Niles Boulevard. Service and loading, including trash enclosure facilities would be located at the rear of the site and away from Niles Boulevard consistent with the Niles HOD.

The proposed CRAFT building with commercial uses would be located (a zero-foot setback) to the front property line adjacent to Niles Boulevard, which would define the street as an active public space. The CRAFT Building would exhibit a strong commercial frontage that would extend the Niles commercial core area down to the underpass. The CRAFT building, with its roll-up garage doors, is envisioned to include commercial space open to the sidewalk and would be attractive to working artisans, shopkeepers, and other local retail-oriented tenants. The CRAFT units would also provide flexible commercial space that could open through the building into the rear courtyard to facilitate town fairs and special events. The flex/commercial space has been designed to create a vibrant commercial space by providing an initial 20 foot ceiling height that would be complimented by an open air “shopkeepers” style living space above. At its north end would be a 2,400 square foot space which could accommodate a retail use or restaurant flanked by a large plaza area for outdoor dining opportunities.

Separating the proposed CRAFT Building and residential units to the south would be a central open space or gateway green which would connect to a network of pedestrian walkways that link to the linear park which would also connect to the Alameda Creek Trail. Rather than turning a back or “walling off” to the creek, the residential units along the southern edge of the project would face the creek and would provide a strong architectural edge to the trail. Landscaping would consist of mostly native or adaptive trees and plants that would provide a soft edge and transition zone down to the existing trail. Finally, the gateway green with a band of Canary Island Palms which hearken back to the rich nursery history of the Niles District would provide a complimenting tie-in to the Niles town plaza and would define the gateway feature encouraged by the General Plan.

**Architectural Style:** The Niles HOD calls for architectural styles that are inspired by the historical character of Niles. Categories such as Commercial Block, False Front, Victorian and Vernacular (which includes Niles small-scale industrial character) apply throughout the Niles commercial district. Residential buildings include Victorian cottages, Craftsman bungalows and various apartments. However, there are as many exceptions to these categories as there are those that fit. The Niles HOD emphasizes that variety is essential to the character of Niles and identifies that the *“small-scale industrial character is part of the Niles arrival experience and should not be discouraged as an inspiration for new buildings outside of the central core of the Niles Historic District.”* The guidelines further state that “new buildings, designed to look like or be confused with old buildings, are not acceptable.”

The concept of a contemporary design expressed through unique materials and simple and repetitive roof forms is reflected in the project’s architecture. The proposed architectural design

strives to reflect the essence of the historical site architecture and to reinterpret the various architectural elements of Niles' rich history and former agricultural industrial development. The "CRAFT" building would be designed to recall the original Henkel/Schuckl cannery building by expressing the industrial building typology of a simple extruded interlocking gable roof form with upper story clerestory windows. The exterior façade would be simply organized with a strong rhythm accentuated by tall brick openings. The flex live/work spaces would feature roll up garage doors to allow for indoor/outdoor activities to activate the pedestrian experience. Consistent with the former office building of the cannery, the proposed CRAFT building would be designed with a reduced height and massing at the location of the proposed corner restaurant space and community center. The proposed building materials make reference to the industrial material and detail palette that would be compatible with the character of Niles, including brick facades, metal roofs, and industrial-style windows and openings.

In keeping with the historical cannery, film studio and foundry heritage in the Niles district, the design of the townhome buildings would feature two distinct but complementary architectural styles, creating a unique sense of aesthetic identity. The identified "Foundry" districts would represent a contemporary interpretation of the manufacturing past as well as the silent film industrial past. The "Cannery" districts would reflect on the industrial character and gabled roofs of the Schuckl & Company history. The townhomes buildings would be oriented vertically relative to the existing residential community in order to help preserve views of the Niles Hills in the distance.

In addition, key corners of the 6-plex buildings would be reduced to two stories, particularly adjacent to single-family properties, in order to soften visual edges, as well as provide variety to roof forms, reduce overall massing and increased compatibility with adjacent conditions. Through a combination of building siting, height and massing, the project would not overwhelm adjacent single-family homes to the west or commercial uses to the northwest. And while the historic cannery buildings no longer exist on the site, the proposed project would have been consistent with its small-scale industrial single- and two-story character building heights. The proposed buildings would be designed with distinctive roofline profiles of low-pitched gable and shed roofs (no greater than 35 feet in height to the ridge) and reduced third-floor plates. These historical styles of architecture are expressed through simple repetitive roof forms and massing.

**Materials, Colors:** The proposed CRAFT building would be "antique" brick at its base zone, stucco in a two-beige application at its mid-zone, and a combination of lighter beige and brushed aluminum metal paneling at its much smaller recessed upper zone (third-floor plate considerably reduced in size along Niles Boulevard) and a standing seam metal roof. The proposed material palette proposed for the majority balance of the attached townhomes would be more residential in scale with siding, plaster and limited area of metal siding in colors of tones of beige, olive green, light grey and brown.

**Landscape Design:** The applicant is proposing a lush landscape plan and plant palette which is consistent with the intent for new landscaping as outlined in the Niles Guidelines. The Guidelines emphasize that landscape design should be appropriate to its context in the District. Dramatic specimen trees are appropriate to define edges and focal areas. New plantings should use plant materials appropriate to Niles history, including specimen flowering trees and flowering shrubs, bulbs, and perennials.

The proposed landscape plan includes a wide variety of plant material and would greatly improve the aesthetics of the existing property and enhance the proposed architectural character of the project with a plant palette that would tie the new community together. Buildings would be enhanced with new plantings compatible with Niles history. Trees, such as Canary Island palms, coast live oaks, red maples, incense cedars, among others, would be included. The plant palette appropriately has a variety of native and adaptive plant materials, including a diverse amount of

shrubs, groundcover, grasses and vines that would be compatible with the character of the area and backdrop of the Alameda Creek Trail. The proposed gateway green would be a central open space anchored by statuesque palms related to the historic trees along Niles Boulevard and nearby California Nursery. It is intended to provide a significant visual gateway landmark when traveling from Niles Canyon into the Niles commercial core area and a pedestrian/ bicyclist gateway towards the Alameda Creek Trail. In addition, the two plazas at the northwestern portion of the site would flank both sides of the new public road to provide additional landscape with pedestrian amenities and open space.

**Tree Preservation, Removal and Mitigation:** There are 52 trees on the project site. The site does not contain any City-designated Landmark trees. The project would include the removal of 52 trees of which eight are native and five are non-protected Almond trees. The removal of the trees would be required to implement environmental remediation approved by RWQCB and to accommodate project development.

Pursuant to FMC Section 18.215.050, removal of trees that are not exempt from permit requirements must be mitigated by either planting replacement trees or paying an in-lieu fee for loss of trees. In this case, a total of 47 trees are protected under the Tree Preservation Ordinance and would therefore require mitigation. It is not feasible to plant 47 mitigation trees in addition to the trees that are otherwise required for this project due to a lack of sufficient planting space. Therefore, staff recommends that this project comply with FMC Section 18.215.080 by upsizing eight specimen trees to 48-inch box or larger and to pay an in lieu fee to comply with the City's required mitigation for the loss of the remaining 39 protected trees. This would be in addition to the proposed 13 Canary Island palm trees (15-foot to 18-foot brown trunk height) at the location of the gateway green.

Accordingly, the tree removal plan would be consistent with the City's Tree Preservation Ordinance criteria because the trees would otherwise substantially impact the placement of the proposed residential units and street improvements. The removal of the trees would not adversely affect the appearance of the subject property as new trees and landscaping would be installed.

**Circulation:** The development would have two points of access via Niles Boulevard and Chase Court. The intersection at Niles Boulevard and new public Street A would be a stop sign intersection allowing both right and left turning movements. Sight line and other safety issues related to the speed of traffic and roadway geometry from the intersection on Niles Boulevard and new public Street A were studied as part of the development proposal and would satisfy the City's engineering standards.

Onsite vehicle circulation would be provided by new public Street A along the southwesterly project boundary which provides the access to a private street system to serve the development. The section for public Street A would have 7-foot wide parallel parking spaces on either side, a 20-foot drive aisle to accommodate one 10-foot travel lane in each direction, a 2-foot wide concrete strip along the southwesterly edge, curb bulb-outs with trees at the intersections of the private streets and a 5-foot sidewalk along the northeasterly side of the road.

Private streets B, C and D would meet the Fremont development policy for Private Vehicle Accessway (PVAW) as adopted by City Council on October 8, 2013 (Resolution no. 2013-65). Due to the low volume of traffic that would utilize the alleyways serving lots 13 through 16 (8 to 10 units total) the alleyway widths at 22-feet wide from back of rolled curb to back of rolled curb would be sufficient. The shortest driveway length on the alleyways would be 4-feet to provide a minimum of 26-feet of effective backup distance.

**Street Right-of-way Dedication and Improvements:** The project site is located off of Niles Boulevard. Niles Boulevard is a two-lane arterial with a mix of parallel and diagonal parking at some locations. Currently, Niles Boulevard along the project frontage is only two lanes with no parking on either side. The developer would dedicate public right-of-way, providing diagonal parking, 6-inch curb and gutter along the Niles Boulevard frontage. A 12 to 18-foot wide sidewalk with tree wells would be installed behind the public right-of-way would allow for pedestrian access via a public access easement. The developer would be required to limit disruptions and damage to the Niles Boulevard pavement (existing PCI of 88).

**Grading & Drainage:** The project site is a vacated site with a mixture of remnant building foundations and open space. The existing topography is relatively flat, varying from approximately 73 feet along the southeast edge of the property to 76.5 feet in elevation towards the north end of the property. The existing site runoff sheet flows across the site from north to south and discharges into Alameda Creek. The proposed project would install an underground storm drain collection system which would connect to an existing storm drain within Union Pacific Rail Road (UPRR) right-of-way and discharge to Alameda Creek. The project site is graded such that the overland release for the 100-year storm event for the project would be through the linear park and in to Alameda Creek. The finish floor elevations would be set to a minimum of 0.5' above the highest curb elevation to reduce the risk of flooding.

The design would include retaining walls up to four feet in height parallel to Street A between the curb and project boundary and also along the northeast edge of the multiuse pathway along the linear park.

The project civil engineer estimates project grading would include 10,000 cubic yards of cut and 3,500 cubic yards of fill, for a total of 13,500 cubic yards of grading. Approximately 6,190 cubic yards of the total estimated grading would be exported from the site during remedial grading operations expected to take place prior to project entitlement under a separate grading permit. The disposal site and truck route for the off-haul material would be subject to review and approval of the City Engineer.

**Urban Runoff Clean Water Program:** The Municipal Regional Stormwater NPDES Permit (MRP) requires all new and redevelopment projects to incorporate measures to prevent pollutants from being conveyed in stormwater runoff and into the public storm drain system. This project would be required to comply with the MRP by incorporating source controls and treatment measures into the project design. Since the project involves creating or replacing more than one acre of impervious surface and since the site is located within areas susceptible to hydromodification, the project would also be required to provide mitigation for hydromodification.

The project would meet the qualitative stormwater treatment requirements by constructing bioretention areas. In addition to stormwater treatment measures, the project would mitigate for hydromodification by constructing a 15'x40'x6' deep hydromodification vault. The storm water treatment and hydromodification design would be integrated into the storm drain design for the project and would be subject to City review and approval prior to building permit issuance.

**Geologic Hazards:** The project site is within an area of potential earthquake induced liquefaction on the official Seismic Hazard Zone map, released by the State Geologist. In accordance with the State law, the project geotechnical engineer prepared a seismic hazard report. The report was reviewed and approved by the City and filed with the State Geologist. The project improvements and building construction would conform to the recommendations of the seismic hazard report.

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**FINDINGS FOR APPROVAL:**

In order to recommend approval of the proposed project, HARB must make findings outlined below. Based on the analysis contained in the staff report, and informational items, staff recommends HARB make the following findings:

- a. The project is compatible with the Niles HOD in terms of siting, massing, scale, size, building materials, texture and color because the proposed new buildings are functionally and aesthetically compatible with the building styles, materials, colors and significant features that are compatible with the Niles HOD, its history and surrounding area. The project proposes new buildings and landscape that reinforce a prominent Niles gateway and furthers the strong sense of place found in Niles. The proposed design maintains strong connections to the hills and creek, encourages restaurants, outdoor dining, and promotes public spaces and parking areas that are safe, clean and easily accessible.

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**ENVIRONMENTAL REVIEW:**

An Initial Study was prepared for this project in accordance with CEQA (see Informational #1). The Initial Study determined that the project could have a potential significant impact on air quality, biological resources, cultural resources, hazards and hazardous materials, noise and transportation. As such, a Draft Mitigated Negative Declaration was prepared and circulated for public review in accordance with the requirements of CEQA (see Exhibit "A"). The applicant has agreed to implement mitigation measures that would reduce the identified impacts to a less-than-significant level. In addition, mitigation for the removal of the existing, protected trees is required by the City's Tree Preservation Ordinance pursuant to FMC Section 18.215.080.

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**PUBLIC NOTICE AND COMMENT:**

Public hearing notification is applicable. On December 16, 2015, notices were sent to owners and occupants of property within 1,000 feet of the site and to interested parties were mailed, and a Public Hearing Notice was published by *The Argus* on January 3, 2015.

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**ENCLOSURES:*****Exhibits:***

- |             |  |
|-------------|--|
| Exhibit "A" | <a href="#">Draft Mitigated Negative Declaration and Mitigation Monitoring &amp; Reporting Program</a> |
| Exhibit "B" | <a href="#">Findings and Conditions</a>  |
| Exhibit "C" | <a href="#">Planned District Plans</a>   |
| Exhibit "D" | <a href="#">Vesting Tentative Tract Map No. 8205, Private Street and Preliminary Grading Plan</a>      |

***Informational Items:***

- |                 |   |
|-----------------|---|
| Informational 1 | <a href="#">Initial Study</a>                       |
| Informational 2 | <a href="#">Public Correspondence</a>               |
| Informational 3 | <a href="#">Proposed General Plan Amendment Map</a> |
| Informational 4 | <a href="#">Proposed Rezoning Map</a>               |

***Supplemental Hearing Materials:***

- |                 |                          |
|-----------------|--------------------------|
| Informational 5 | Color and Material Board |
|-----------------|--------------------------|

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**RECOMMENDATION:**

1. Hold public hearing.

2. Recommend that the City Council adopt the Mitigated Negative Declaration and Mitigation Monitoring Program for the project as shown in Exhibits "C" and "D," and find on the basis of the whole record before it (including the Mitigated Negative Declaration, the Initial Study and any comments received) that there is no substantial evidence that the project, as mitigated, will have a significant effect on the environment and that this action reflects the independent judgment of the City of Fremont.
3. Recommend that the City Council find that the project is in conformance with the relevant provisions contained in the City's General Plan, including the designated goals and policies set forth in the Land Use, Mobility, and Community Character Elements, as well as the Housing Element of the General Plan, as enumerated in the staff report.
4. Find that the project as proposed would be compatible in terms of siting, massing, scale, size, materials, textures, and colors with existing development in the Niles Historic Overlay District.
5. Recommend that the Planning Commission and City Council find that the proposed Planned District allows a superior architectural design and enhances the historic character of the area.
6. Recommend that City Council approve the project, as shown on Exhibits "C" and "D," based upon the findings and subject to the conditions in Exhibit "B."